

REMARKS

As a preliminary matter, Applicant's representative would like to thank the Examiner for courtesies extended in the personal interview conducted on April 11, 2006.

An Examiner's Interview Summary Record (PTOL-413) was provided by the Examiner at the interview on April 11, 2006.

Applicant submits this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Claim 1.

B. Identification of prior art discussed:

JP 11-112028 (hereinafter "JP '028").

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

Applicants' representative respectfully pointed out that JP '028 does not teach or suggest a light-emitting device including "*a semiconductor light-emitting element using a substrate surface as a main light-extracting surface*" (emphasis added) as recited in exemplary claim 1.

That is, the light-emitting element of JP '028 has a main light-emitting surface on the electrode surface side (see JP '028 at paragraphs [0029]-[0030]). Specifically, JP '028 recites, “the light which leaks and comes out of the crystal substrate 4a of a light emitting device 4 joins luminescence from the main light drawing side” (see JP '028 at second line of paragraph [0030]). At this point, the main light drawing side is the p lateral electrode 4b side (see JP '028 at paragraphs [0016] and [0021]).

As discussed in the specification of the Application, such a light-emitting element as disclosed in JP '028 has problems of difficulties in obtaining a high output from the light-emitting element and low light-extracting efficiency (see Application at page 3, line 18 through page 4, line 11).

In contrast, a light-emitting element of the claimed invention uses a substrate surface as a main light-extracting surface. Thus, Applicant's representative argued that the claimed invention of amended claim 1 is not taught or suggested by JP '028.

The Examiner continues to alleges that “any light emitting surface of '028 can be labeled as a “main” light emitting surface”. The Examiner, however, is clearly incorrect.

Applicant's representative argued that the light emitting surface in the claimed invention and JP '028 have not been arbitrarily labeled “main”, as alleged by the Examiner. Indeed, JP '028 explicitly teaches that “[t]he light emitting device 4 which equipped the main light drawing side with p lateral-electrode 4b and n lateral-electrode 4c” (e.g., see JP '028 at Abstract). JP '028 specifically teaches that the electrode side of the light-emitting device is the “main light drawing side”.

In stark contrast, the claimed invention specifically recites that the substrate surface may be the main light-extracting surface (e.g., as defined in exemplary claim 1). The Application clearly states that light-emitting elements having a main light-emitting surface on an electrode surface side is structurally inferior in light-emitting output to a light-emitting element having a main light-emitting surface on the substrate surface side” (see Application at page 3, lines 18-23). Therefore, Applicant’s representative argued that the recitation of a “main light-extracting surface” is clearly not arbitrary in view of the teachings of JP ‘028 and the claimed invention.

The Examiner alleges that the term “main” is “a label”, and that “[a]ny surface through which light is transmitted in JP ‘028 can be arbitrarily labeled a “main light extracting surface”” (see Office Action dated February 13, 2006 at page 3). The Examiner, however, has clearly failed to consider the specific teachings of the Application and the JP ‘028, which each specifically provide a “main” light extracting surface. As explained above, the distinction of the “main” light extracting surface in the claimed invention, as well as in JP ‘028, is not arbitrary.

E. Results of the Interview:

In response to the arguments presented, the Examiner indicated that the “substrate surface as a main light emitting surface” does not structurally distinguish over the applied prior art because light is emitted through all surfaces of the JP ‘028 reference.

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F. Conclusion:

Applicant respectfully disagrees with the Examiner and submits that JP '028 does not teach or suggest each and every element of the claimed invention.

The Commissioner is hereby authorized to charge any fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date:

May 11, 2006

Respectfully Submitted,



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